

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2007-255-C – ORDER NO. 2007-622
SEPTEMBER 13, 2007

IN RE: Petition for Approval of Nextel South Corp.’s)	ORDER HOLDING
Adoption of the Interconnection Agreement)	MOTION TO DISMISS IN
between Sprint Communications, L.P., Sprint)	ABEYANCE
Spectrum L.P. d/b/a Sprint PCS and)	
BellSouth Telecommunications, Inc. d/b/a)	
AT&T South Carolina d/b/a AT&T)	
Southeast.)	

This matter comes before the Public Service Commission of South Carolina (“Commission”) on a Motion to Dismiss and, In the Alternative, Answer filed by BellSouth Telecommunications, Inc. d/b/a AT&T South Carolina (“AT&T South Carolina”) concerning the petition of Nextel South Corp. (“Nextel”) to adopt the interconnection agreement between Sprint Communications, L.P., Sprint Spectrum L.P. d/b/a Sprint PCS (“Sprint”) and AT&T South Carolina. In its Motion, AT&T asserts that the basis upon which Nextel relies for its requested adoption is misplaced. AT&T South Carolina argues that the interpretation and enforcement of the merger conditions resulting from the Federal Communications Commission’s (“FCC”), AT&T Inc., and BellSouth Corp. merger proceeding are within the exclusive jurisdiction of the FCC. Secondly, AT&T South Carolina states that Nextel is attempting to adopt an expired agreement and thus its adoption request does not comply with applicable FCC rules. Lastly, AT&T South Carolina argues that the requested adoption is premature because Nextel failed to

abide by contractual obligations regarding dispute resolution found in its existing interconnection agreement with AT&T South Carolina. For these reasons, AT&T South Carolina requests Nextel's petition be dismissed.

However, this dispute deserves a complete airing by all the parties in the matter. As such, the Commission holds AT&T South Carolina's Motion to Dismiss in abeyance in order to make a fully reasoned determination in this case. Therefore, we will proceed with a hearing on the merits of the case.

This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:



G. O'Neal Hamilton, Chairman

ATTEST:



C. Robert Moseley, Vice Chairman

(SEAL)